

# **Case brief – Summary**

**Judge – SENAYT ABERA**

**Court – -----Federal First Instance**

**Division -----Kirkos Division**

**Bench -----5<sup>th</sup> Civil Bench**

**Filing date----- Nov 23, 2023 E.C**

**File Number ----- 99291**

**Date of Decision – June 12, 2024**

## **Parties:-**

**Plaintiff: Defend the Environment (Board - led Civil Society Organization)**

**Address: Addis Ababa City, Kirkos Sub-City, Wereda 07**

**Defendants: 1) Addis Ababa City Adm., Kirkos Sub-City Administration**

**2) Ababa City Adm., Kirkos Sub City, wereda 02**

## **Administration**

This case is initiated by the plaintiff's claim submitted on November 23, 2023, against the defendants concerning the city sewage ditches that start from Cherkos (Central part of Addis Ababa), and cross Woreda 02, around the Bole Printing area, specifically the Elouzeir Cardiac Center area and ends at the Bole Bulbula. According to the statement of the claim, due to the improper act of the defendants, and community based committee which formed by the defendants, the sewerage pipe has been closed which obstructs the flow causing the sewerage to overflow on the road outside of the ditches. As a result, the residents and passersby in the area have been exposed to serious health, social, and economic problems. Moreover, children and elderly people are highly exposed to health and socio-economic risks against Environmental – Human Rights.

However the defendants were warned to take corrective action by the plaintiff, but the latter failed to do so. Then, the plaintiff submitted an administrative petition on September 10, 2023, Letter No DTE/050/15 to the Addis Ababa City Administration Environmental Protection Authority (AAEPA) requesting the authority to take appropriate administrative measures against the defendants to stop their polluting activities. After investigating the site, the AAEPA confirmed that the defendant caused pollution; however, the authority failed to take any administrative measure against the defendants to safeguard the environment.

Thus, the plaintiff brought this claim to the Federal First Instance Court, Kirkos Division against the defendant. Accordingly, the plaintiff claimed that due to the blockage of the sewerage pipe, the defendant violated Environmental - Human Rights, the right to live in a safe and healthy environment of the people as enshrined under Article 44(1) of the FDRE Constitution and the relevant environmental legislation especially the Environmental Pollution Control Proclamation No. 300/2002, and international human rights conventions ratified by Ethiopia. Accordingly, the plaintiff pleaded to the court to order: 1) to clear the materials blocking the drainage pipe to ensure the flow of sewerage; 2) to clean and restore the area to its previous healthy state; 3) as for the health and economic and moral damage caused to the public and private individuals, to secure the plaintiff's right to bring civil separate claims in future against the defendant.

Following the plaintiff's claim, the defendants were served with a summons to submit their defenses. On December 21, 2023, the defendant submitted its preliminary and substantive defenses arguing that: the plaintiff has not shown that it has a vested interest in bringing their case; the court does not have the jurisdiction to entertain the claims based on the fundamental rights enshrined under FDRE Constitution.

On April 16, 2024, the plaintiff filed a petition to the court for the termination of the case. The reason for this petition was that, in accordance with the plaintiff's claim, the defendants already removed the materials that blocked the sewerage pipe as the plaintiff claimed. Therefore, the issue that was brought to this case has been resolved. The court has also accepted the termination petition signed by the parties to the case and terminated the case.

An invisible signature of the judges